

## **INTRODUCTORY COMMENTS**

Claims 1-55 are pending in the subject application for the first Office Action. Claims 6-8, 12 and 26-55 have been withdrawn from consideration. Claims 1, 10 and 45-55 have been cancelled without prejudice for possible submission in a continuing application. Claims 2, 3, 6, 9, 11-15, 18 and 25 have been amended via this Response to the first Office Action. New claims 56-61 have been added. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.

## **AMENDMENTS TO THE CLAIMS:**

1. (Cancelled)
2. (Currently amended) The instrument of claim 1, wherein said elongate member and said cutting element define bearing surfaces slidably engaging one another during said axial displacement, at least one of said bearing surfaces including a ramped section configured to transition said cutting element between said retracted and expanded configurations during said axial displacement.
3. (Currently amended) The instrument of claim 1, wherein said elongate member defines an axial channel including a ramped section, said at least one cutting element being at least partially disposed within said channel and slidably displaced along said ramped section to transition said cutting element between said retracted and expanded configurations.
4. (Original) The instrument of claim 3, further comprising an actuator mechanism engaged with said elongate member and coupled to said at least one cutting element, wherein axial displacement of said actuator mechanism relative to said elongate member slidably displaces said cutting element along said ramped section of said channel to transition said cutting element between said retracted and expanded configurations.
5. (Original) The instrument of claim 4, wherein said actuator mechanism comprises a collet slidably engaged about said elongate member wherein axial displacement of said collet

relative to said elongate member slidably displaces said cutting element along said ramped section of said channel to transition said cutting element between said retracted and expanded configurations.

6. (Currently amended) The instrument of claim ~~4~~ 9, wherein said elongate member comprises a sleeve, said at least one cutting element being outwardly biased toward said expanded configuration and being at least partially disposed within said sleeve to selectively maintain said at least one cutting element in said retracted configuration, said at least one cutting element being transitionable between said retracted and expanded configurations by axially displacing said at least one cutting element relative to said sleeve.

7. (Withdrawn) The instrument of claim 6, further comprising an actuator mechanism including a shaft disposed within said sleeve and coupled to said cutting element, wherein axial displacement of said shaft relative to said sleeve transitions said at least one cutting element between said retracted and expanded configurations.

8. (Withdrawn) The instrument of claim 6, wherein said at least one cutting element is pivotally coupled to said shaft and is aligned in an axial orientation when in said retracted configuration and in angular orientation when in said expanded configuration.

9. (Currently amended) ~~The instrument of claim 1, wherein~~ A surgical instrument, comprising:

an elongate member extending along an axis; and  
at least one cutting element engaged with said elongate member and being transitionable  
between a retracted configuration for extending through a first portion of a passage in bone and  
an expanded configuration for forming a second portion of the passage having an enlarged cross-  
section; and

wherein a portion of said elongate member defines a tapping thread configured to cut  
threads along the first portion of the passage, and wherein axial displacement of said at least one  
cutting element relative to said elongate member causes said at least one cutting element to  
transition between said retracted and expanded configurations to form said second portion of the  
passage having said enlarged cross-section.

10. (Cancelled)

11. (Currently amended) ~~The instrument of claim 10, wherein~~ A surgical instrument,  
comprising:

an elongate member;  
a first cutting element disposed along said elongate member for forming a first portion of  
a passage in bone, said first cutting element comprises comprising a tapping thread; and  
a second cutting element disposed along said elongate member and being transitionable  
between a retracted configuration for extending through the first portion of the passage and an  
expanded configuration for forming a second portion of the passage having an enlarged cross-  
section.

12. (Currently amended) The instrument of claim 10 11, wherein said first cutting element comprises a drill flute.

13. (Currently amended) The instrument of claim 10 11, wherein said first cutting element comprises a distal end portion of said elongate member.

14. (Currently amended) ~~The instrument of claim 10, wherein~~ A surgical instrument, comprising:

an elongate member;

a first cutting element disposed along said elongate member for forming a first portion of a passage in bone, said first cutting element comprising a distal end portion of said elongate member, said distal end portion of said elongate member is configured to be self-drilling and self-tapping; and

a second cutting element disposed along said elongate member and being transitionable between a retracted configuration for extending through the first portion of the passage and an expanded configuration for forming a second portion of the passage having an enlarged cross-section.

15. (Currently amended) The instrument of claim 10 11, wherein said second cutting element comprises a cutting blade extending laterally from said elongate member when transitioned toward said expanded configuration.

16. (Original) The instrument of claim 15, wherein said elongate member defines a channel extending along an axis with said cutting blade being at least partially disposed within said channel, at least one of said channel and said cutting blade including a ramped section configured to transition said cutting blade between said retracted and expanded configurations when said cutting blade is axially displaced along said channel.

17. (Original) The instrument of claim 16, further comprising an actuator mechanism engaged with said elongate member and coupled to said cutting blade, wherein axial displacement of said actuator mechanism relative to said elongate member axially displaces said cutting blade along said channel to transition said cutting blade between said retracted and expanded configurations.

18. (Currently amended) ~~The instrument of claim 10,~~ A surgical instrument,  
comprising:

an elongate member;

a first cutting element disposed along said elongate member for forming a first portion of  
a passage in bone; and

a second cutting element disposed along said elongate member and being transitionable  
between a retracted configuration for extending through the first portion of the passage and an  
expanded configuration for forming a second portion of the passage having an enlarged cross-  
section; and

wherein said first cutting element comprises a tapping thread and wherein said second cutting element comprising a cutting blade.

19. (Original) The instrument of claim 18, wherein said cutting blade includes a cutting edge having a profile corresponding to a profile of said tapping thread.

20. (Original) A surgical instrument, comprising:  
an elongate member;  
a tapping thread defined along a portion of said elongate member for forming a threaded portion of a passage in bone; and  
a cutting blade engaged with said elongate member and being transitionable between a retracted configuration for extending through the threaded portion of the passage and an expanded configuration for forming an enlarged cross-sectional portion of the passage.

21. (Original) The instrument of claim 20, wherein said elongate member defines an axial channel including a ramped section, said cutting blade being at least partially disposed within said channel and slidably displaceable along said ramped section to transition said cutting blade between said retracted and expanded configurations.

22. (Original) The instrument of claim 21, further comprising a collet engaged with said comprises a collet slidably engaged about said elongate member and coupled to said cutting blade so that axial displacement of said collet relative to said elongate member slidably displaces

said cutting blade along said ramped section of said channel to transition said cutting blade between said retracted and expanded configurations.

23. (Original) The instrument of claim 20, wherein said cutting blade includes a cutting edge having a profile corresponding to a profile of said tapping thread.

24. (Original) A surgical instrument, comprising:  
means for tapping threads along a portion of a passage in bone;  
means for forming an enlarged cross-sectional portion of the passage; and  
means for transitioning said means for forming between a retracted configuration for extending through the threaded portion of the passage and an expanded configuration for forming the enlarged cross-sectional portion of the passage.

25. (Currently amended) A surgical instrument, comprising:  
an elongate member extending along an axis and including:  
a tapping portion formed along a distal portion of said elongate member and configured to cut threads along a passage in bone; and  
an expandable portion having at least one cutting element transitionable between an axial orientation ~~for forming an~~ configured to extend through the axial passage in bone and an angular orientation for enlarging a portion of the axial passage laterally adjacent said threads.



26. (Withdrawn) The instrument of claim 25, wherein said at least one cutting element is pivotally coupled to said elongate member.

27. (Withdrawn) The instrument of claim 26, wherein said at least one cutting element is pivotally coupled to a distal end portion of said elongate member.

28. (Withdrawn) The instrument of claim 25, wherein said at least one cutting element is outwardly biased toward said angular orientation and is initially maintained in said axial orientation by a retention element.

29. (Withdrawn) The instrument of claim 28, wherein said retention element is a sleeve, said at least one cutting element being at least partially disposed within said sleeve to selectively maintain said at least one cutting element in said axial orientation, said at least one cutting element being transitionable between said retracted and expanded configurations by axially displacing said at least one cutting element relative to said sleeve.

30. (Withdrawn) The instrument of claim 29, further comprising an actuator mechanism including a shaft disposed within said sleeve and coupled to said at least one cutting element, wherein axial displacement of said shaft relative to said sleeve transitions said at least one cutting element between said axial and angular configurations.

31. (Withdrawn) The instrument of claim 30, wherein said at least one cutting element is pivotally coupled to said shaft.

32. (Withdrawn) The instrument of claim 25, wherein the axial passage is formed by applying an axial force to said elongate member; and

wherein the axial passage is enlarged by applying a rotational force to said elongate member.

33. (Withdrawn) The instrument of claim 32, further comprising a handle coupled to said elongate member, said handle configured to transmit said axial and rotational forces to said elongate member.

34. (Withdrawn) The instrument of claim 25, further comprising a retention element configured to selectively maintain said at least one cutting element in said axial orientation.

35. (Withdrawn) A surgical instrument, comprising:  
an elongate member; and  
at least one cutting element engaged with said elongate member and being transitionable between a retracted configuration for extending through a passage in bone and an expanded configuration for enlarging a portion of the passage, said at least one cutting element being outwardly biased toward said expanded configuration; and  
a retention element interacting with said at least one cutting element to selectively

maintain said at least one cutting element in said retracted configuration.

36. (Withdrawn) The instrument of claim 35, wherein said retention element comprises a sleeve, said at least one cutting element being at least partially disposed within said sleeve to selectively maintain said at least one cutting element in said retracted configuration.

37. (Withdrawn) The instrument of claim 36, further comprising an actuator mechanism including a shaft disposed within said sleeve and coupled to said at least one cutting element, wherein axial displacement of said shaft relative to said sleeve transitions said at least one cutting element between said retracted and expanded configurations.

38. (Withdrawn) The instrument of claim 37, wherein said at least one cutting element is pivotally coupled to said shaft.

39. (Withdrawn) The instrument of claim 35, wherein said at least one cutting element is pivotally coupled to said elongate member.

40. (Withdrawn) The instrument of claim 39, further comprising a pair of said cutting elements pivotally coupled to said elongate member.

41. (Withdrawn) The instrument of claim 35, wherein said at least one cutting element is coupled to a distal end portion of said elongate member.

42. (Withdrawn) The instrument of claim 35, wherein said at least one cutting element is arranged in an axial orientation when in said retracted configuration and in an angular orientation when in said expanded configuration.

43. (Withdrawn) The instrument of claim 35, wherein the axial passage is formed by applying an axial force to said elongate member; and

wherein the axial passage is enlarged by applying a rotational force to said elongate member.

44. (Withdrawn) The instrument of claim 43, further comprising a handle coupled to said elongate member, said handle configured to transmit said axial and rotational forces to said elongate member.

45.-55. (Cancelled)

56. (New) A surgical instrument, comprising:  
an elongate member extending along an axis;  
a tapping element formed along a distal portion of said elongate member; and  
at least one cutting element transitionable between a retracted configuration for extending through a passage in bone and an expanded configuration for enlarging a portion of the passage;  
and

wherein said tapping element is configured to cut threads along the passage, said at least one cutting element configured to enlarge said portion of the passage laterally adjacent said threads when transitioned to said expanded configuration.

57. (New) The instrument of claim 56, wherein said at least one cutting element has a lateral profile corresponding to a lateral profile of said tapping element.

58. (New) The instrument of claim 56, wherein axial displacement of said at least one cutting element relative to said elongate member causes said at least one cutting element to transition between said retracted and expanded configurations.

59. (New) The instrument of claim 58, wherein said elongate member and said cutting element define bearing surfaces slidably engaging one another during said axial displacement, at least one of said bearing surfaces including a ramped section configured to transition said cutting element between said retracted and expanded configurations during said axial displacement.

60. (New) The instrument of claim 56, wherein said elongate member includes another cutting element configured to form the passage in the bone.

61. (New) The instrument of claim 60, wherein said another cutting element comprises a portion of said tapping element.